

the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards.

“(3) DEADLINE.—The Secretary shall identify ports and facilities that qualify for assistance under this subsection within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

SEC. 6. EHC FACILITY RISK-BASED COST SHARING.

The Commandant shall identify facilities sited or constructed on or adjacent to the navigable waters of the United States that receive, handle, load, or unload especially hazardous cargos that pose a risk greater than an acceptable risk threshold, as determined by the Secretary under a uniform risk assessment methodology. The Secretary may establish a security cost-share plan to assist the Coast Guard in providing security for the transportation of especially hazardous cargo to such facilities.

SEC. 7. TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) establish regional response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 942) and section 70103(a) of title 46, United States Code;”.

SEC. 8. COAST GUARD NATIONAL RESOURCE ALLOCATION PLAN.

The Commandant shall develop a national resource allocation plan for Coast Guard assets and resources necessary to meet safety and security requirements associated with receiving, handling, and loading especially hazardous cargo at United States ports and facilities, taking into account the Coast Guard assets and resources necessary to execute other Coast Guard missions. The Secretary shall submit the plan to the Congress at the same time as the President submits the Budget of the United States for fiscal year 2009, together with an estimate of the operational and capital costs required to assure an acceptable level of safety and security under the plan.

SEC. 9. INCIDENT COMMAND SYSTEM TRAINING.

The Secretary shall ensure that Federal, State, and local personnel responsible for the safety and security of vessels in port carrying especially hazardous cargo have successfully completed training in the Coast Guard's incident command system.

SEC. 10. CONVEYANCE OF CERTAIN NATIONAL DEFENSE RESERVE FLEET VESSELS.

Section 57102 of title 46, United States Code, is amended—

(1) by striking “vessel or sell the vessel for cash.” in subsection (a) and inserting “vessel, sell the vessel for cash, or convey the vessel under subsection (c) to the owner or operator of a port.”; and

(2) by adding at the end thereof the following:

“(c) CONVEYANCE TO PORT AUTHORITY.—The Secretary, after consultation with the Maritime Administration, may convey a vessel described in subsection (a) to the owner or operator of a United States or foreign port—

“(1) for use in safety or security operations at that port;

“(2) with or without compensation; and

“(3) subject to such limitations on its use and further disposition as the Secretary determines to be appropriate.”.

SEC. 11. PRE-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

“(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—

“(1) IN GENERAL.—The Secretary shall ensure that interoperable communications technology is deployed at all interagency operational centers established under subsection (a).

“(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the technology deployed involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the technology is deployed.

“(3) REQUIREMENTS AND CHARACTERISTICS.—The interoperable communications technology deployed under paragraph (1) shall—

“(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

“(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

“(C) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources;

“(D) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts; and

“(E) be utilized as appropriate during live area exercises conducted by the United States Coast Guard.

“(4) ADDITIONAL CHARACTERISTICS.—Portions of the communications technology deployed under paragraph (1) may be virtual and may include items donated on an in-kind contribution basis.

“(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed or interpreted to preclude the use of funds under this section by the Secretary for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.”.

SEC. 12. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(2) ESPECIALLY HAZARDOUS CARGO.—The term “especially hazardous cargo” means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance identified by the Secretary of the department in which the Coast Guard is operating as especially hazardous cargo.

(3) SECRETARY.—The term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

Mr. SMITH (for himself and Mr. WYDEN):

S. 1595. A bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program; to the Committee on Finance.

Mr. SMITH. Mr. President, I am pleased to be joined today by my colleague Senator WYDEN, to introduce this important piece of legislation for America's rural hospitals. Our legislation will work to ensure that hospitals in under-served areas, including those in our home State of Oregon, have the flexibility they need to provide care to their communities.

The Critical Access Hospital program, CAH, is an important safety net that ensures that communities have access to health care services in rural areas such as my hometown of Pendleton, OR. Hundreds of hospitals across the United States operate under a CAH designation, 25 of which are in Oregon. In order to obtain this designation, certain requirements, such as being located more than 35 miles from any other hospital, or receiving certification by the state to be a “necessary provider.” CAH's also must provide 24-hour emergency care services 7 days a week.

One requirement, however, the 25-patient bed limit, has proven to be too constricting for facilities during times of unexpected, increased need, such as during an influenza outbreak or an influx of tourism to the community.

Leadership for Oregon hospitals have expressed to me that these rules could lead to severe patient safety issues. As hospitals reach their 25-bed capacity, they could be forced to divert those in need of care to a hospital much farther from their home and families. Alternatively, should these small hospitals take the patient in they put themselves at risk of losing their important CAH status. Loss of such status could cause the closing of the facility altogether.

Access to health care remains an issue in our Nation and this bill is one small way in which we can work to ensure that rural hospital doors remain open for millions of Americans living in communities who depend on CAH's for their medical care. This bill will provide the flexibility necessary for a CAH to choose to meet either the 25-bed-per day limit or a limit of 20-beds-per-day averaged throughout the year. Therefore, during a time of surge, they can care for more patients in need even if the hospital would exceed the use of 25 beds, which they could not do under current law. However, our bill ensures that during times of non-surge these hospitals are meeting the requirements under law that make them a CAH. This new yearly average is set lower than the daily limit to ensure that we are not expanding this program.

We believe that this simple tweak in the current law is critically important